

ORDINANCE NO. 97-3

ORDINANCE

AN ACT OF THE CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS PURSUANT TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM, PROVIDING FOR DEFINITIONS; PROVIDING FOR THE CREATION OF THE LOCAL HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING PARTNERSHIP; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM; DESIGNATING THE RESPONSIBILITY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE LOCAL HOUSING ASSISTANCE PROGRAM; FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR TERMS OF SAID COMMITTEE; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF SAID COMMITTEE; PROVIDING FOR GUIDELINES TO BE UTILIZED BY SAID COMMITTEE IN ADOPTION OF RECOMMENDATIONS FOR THE AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR ADOPTION OF THE AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR SEVERABILITY; AND, PROVIDING AN EFFECTIVE DATE.

Dec 22 10 21 AM '97

FILED

WHEREAS, questions have arisen regarding the adoption of certain ordinances in Calhoun County, including questions regarding the adoption of the predecessor of this ordinance and in an abundance of caution, and pursuant to the emergency procedures contained in Florida Statute §125.66(3), the Board of County Commissioners have chosen to readopt certain ordinances; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA:

SECTION I. - DEFINITIONS.

The definitions enumerated in §420-9071, Florida Statutes and in Rule 91-37.002, Florida Administrative Code of the State Housing

Initiatives Partnership Rules shall apply to the terms used in this Ordinance.

**SECTION II
CREATION OF THE LOCAL HOUSING ASSISTANCE TRUST FUND**

A. The Local Housing Assistance Trust Fund is hereby created and established.

B. All monies received from the state pursuant to the State Housing Initiative Partnership Act as any other funds received or budgeted to provide funding for the Local Housing Assistance Program shall be deposited into the Local Housing Assistance Trust Fund. Administration of the Local Housing Assistance Trust Fund shall comply with Rule 91-37.007, Florida Administrative Code. Any funds deposited into the Local Housing Assistance Trust Fund will be subject to the requirement of the SHIP program, Florida Statutes Section 420.9075(4).

C. Expenditures other than for administration and implementation of the Local Housing Assistance Program shall not be made from the Local Housing Assistance Trust Fund.

D. Amounts on deposit in the Local Housing Assistance Trust Fund shall be invested in the State Board of Administration's local government surplus fund trust fund established pursuant to Chapter 218, Part IV, Florida Statutes. All investment earning shall be retained in the Local Housing Assistance Trust Fund and used for the purposes thereof.

E. Until utilized for the purpose thereof, monies in the Local Housing Assistance Trust Fund shall be held on trust by the County solely for use pursuant to the Local Housing Assistance Program. All Local Housing Assistance Program income, including investment earnings, shall be retained in the Local Housing Assistance Trust Fund and used for the purpose thereof.

F. The County agrees that the Local Housing Assistance Trust Fund shall be separately stated as a special revenue fund in the county's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Agency as soon as such statements are available.

G Funds deposited in the Fund may be used to administer the Program and the Calhoun County Affordable Housing Assistance Plan in accordance with the provisions of this Section and Resolution No. 93.03. The county specifically finds the cost of administering the Program exceed five percent (5%) of the funding guarantees from the State. Therefore, the Funds may be used for administrative expenses which shall not exceed ten (10%) percent of the local housing distribution. Resolution Number 93.03 has been adopted to coincide with this provision.

H The detailed specifications for the purposed uses of the Funds will be adopted in the Assistance Plan with consideration being given to the requirements of law and the local needs.

SECTION III. CREATION OF THE LOCAL HOUSING PARTNERSHIP

A. The Local Housing Partnership is hereby created and established. The members of the Local Housing Partnership shall be appointed by the Board of County Commissioners.

B. The Local Housing Partnership shall include, but is not limited to, the County, community-based organizations, for profit housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs.

C. The Local Housing Partnership, the Housing Advisory Committee and County Administrators shall implement the Local Housing Assistance Program in a manner that provides support services for housing program beneficiaries. Implementation shall be consistent with this Ordinance, Sections 420.907 - 420.9079, Florida Statutes, and Rule 91.37, Florida Administrative Code.

SECTION IV ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM

A. The Local Housing Assistance Program is hereby created and established.

B. The Local Housing Assistance Housing Advisory Committee and County Administrator shall use the funds received from the state pursuant to the State Housing Initiative Partnership Act to implement the Local Housing Assistance Program. The funds shall be distributed in the following manner:

1. 100% of the funds shall be used by the Local Housing Partnership to implement the following locally designed strategies:

(a) 72% of this distribution shall be used to provide for Rehabilitation: Eligible persons who own and occupy substandard housing units shall be awarded funds to renovate such unit as eligible housing.

(b) 4.5% of this distribution shall be used to provide for Emergency Repair of substandard rental unit. **NOTE:** Owners of rental units repaired will agree not to increase the cost of rent for a period of five (5) years.

(c) 13.5% of the funds shall be used to provide emergency repairs by existing service providers under weatherization programs pursuant to Sections 409.509-409.503, Florida Statutes.

(d) 10% of the funds shall be used specifically for the cost of administering the Local Housing Assistance Program pursuant to Resolution 93.03.

2. The Local Housing Partnership Assistance Program shall include all other lawful objectives not previously listed if said objectives have been adopted into the Local Housing Assistance Plan in the manner provided for by Sections 420.907 - 420.9079, Florida Statutes and Rule 91-37, Florida Administrative Code.

SECTION V

DESIGNATION OF RESPONSIBILITY FOR ADMINISTRATION AND IMPLEMENTATION OF LOCAL HOUSING ASSISTANCE PROGRAM

A. The Calhoun County Building Inspector and Weatherization Director shall be responsible for implementation and administration of the Local Housing Assistance Program hereafter referred to as "the administrators".

B. The County Administrator's responsibility shall be:

1. To work with the Local Housing Partnership to monitor the success of the Local Housing Assistance Program, and provide advice and suggestions as to whether and in what ways the Local Housing Assistance Program might be improved from year to year.

2. To work with the Local Housing Partnership to coordinate local programs such as Community Development Block Grant (CDBG) Program, Rural Housing Preservation Grants Program, so as to maximize assistance to the preservation housing through the Local Housing Assistance Program.

3. To annually prepare an administrative expense budget and review and verify all administrative expenses in accordance with Rule 91-37.007, Florida Administrative Code.

C. The total amount paid for any administrative expenses in connection with the Local Housing Assistance Program will not exceed 10% of the proceeds of the local housing distribution.

D. The county shall not treat as administrative expenses any cost previously borne by another funding source which could continue to be available at the time the Local Housing Assistance Plan is submitted.

E. In Implementing the Local Housing Assistance Program the Administrators shall:

1. Advertise the availability of a housing assistance program in a newspaper of general circulation and through periodical Public Service Announcements over local radio stations and outreach efforts will be directed to notify ethnic and diverse neighborhoods, at least thirty (30) days before the beginning of any application period.

2. Adopt a maximum award schedule or system of awards to comply with the following criteria:

(a) Eighty (80%) percent of the funds shall be reserved for rehabilitation or emergency repair of eligible housing.

(b) All units rehabilitated, or otherwise assisted with program funds shall be occupied by very low income, low income or moderate income persons and persons who have special housing needs. At least 30% of units must be occupied by very low income persons and at least another 30% by low income persons. The remainder shall be very low income, low income or moderate income persons.

(c) The amount of monthly rental charged by the eligible sponsor or its designee must be affordable to eligible persons.

(d) Eligible owner-occupied housing, rehabilitated, or otherwise assisted from proceeds provided from the Local Housing Assistance Program shall be subject to subsidy recapture provisions which are identical to those specified in Section 143(m) of the Internal Revenue Code of 1986.

(e) Eligible rental housing, emergency repaired or otherwise assisted from proceeds provided from the Local Housing Assistance Program:

(1) The repairs shall be in the form of a forgivable loan, with a \$500.00 a year deduction for a period of five (5) years.

(2) The owner of said rental property will agree not to increase the rent for a period of five (5) years.

(f) The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to the Local Housing Assistance Program shall be established in the Housing Assistance Plan.

(g) A qualification system for applicants for awards consistent with the intent of the Local Housing Assistance Program and Sections 420.907-420.9079, Florida Statutes shall be established in The Housing Plan.

(h) The county administrators shall annually monitor and determine tenant eligibility and amount of assistance pursuant to the provisions of this Ordinance, Sections 420.907-420.9079, Florida Statutes and Rule 91-37.015, Florida Administrative Code.

3. The County, the Local Housing Partnership and all eligible sponsors shall not discriminate in the application process of eligible persons for eligible housing on the basis of race, creed, religion, color, age, sex, sexual preference, marital status, familial status, national origin or handicap.

4. The County shall comply with all rules and regulations of the Florida Housing Finance Agency in connection with required reporting by the county of compliance with its Local Housing Assistance Program.

5. Prior to receiving an award, an eligible sponsor or eligible person shall enter into an agreement with the County, agreeing to comply with all State and Federal laws, including but not limited to, the affordable housing criteria provided in Section 420.907 - 420.9079, Florida Statutes, and this Ordinance. All eligible sponsors or eligible persons shall include in the deed transferring ownership of the property to the eligible person or sponsor a covenant agreeing to comply with the terms of the above-described laws, which covenant will run with the land. The covenant shall operate as a deed restriction which is enforced by the county with attorney's fees being paid by the owner for actions by the county relating to the breach thereof.

SECTION VI

CREATION OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE

A. The Affordable Housing Advisory Committee is hereby created and established. The members of the Advisory Committee shall be appointed by resolution of the Board of County Commissioners. (Resolution #93-39).

B. The Affordable Housing Advisory Committee shall consist of nine members. Five members shall constitute a quorum. The committee may not take formal actions unless a quorum is present, but may meet to hear presentations if duly advertised. The Affordable Housing Advisory Committee shall include the following, which individuals may overlap with or be part of the Local Housing Partnership:

1. One citizen who is actively engaged in the residential building industry;
2. One citizens who is actively engaged in the banking or mortgage industry;
3. One citizen who is a representative of those areas of labor engaged in home building;
4. One citizen who is designated as an advocate for low income persons.
5. One citizen who is a provider of affordable housing;
6. One citizens who is a real estate professional;
7. One citizen at large;

8. One citizens at large;

9. One citizen at large.

C. Members shall serve for two-year terms and may be reappointed for subsequent terms.

D. Meetings shall be held monthly for the first year of committee existence and quarterly or frequently thereafter.

E. The Affordable Housing Advisory Committee shall comply with the Government in the Sunshine Law, the public records law, and the special provisions regarding notice of Affordable Housing Incentive Plan consideration found in Chapter 420.9079, Florida Statutes.

F. The Affordable Housing Advisory Committee shall annually elect a Chairperson, Vice-Chairman and such other offices as it deems necessary. The Chairperson is charged with the duty of conducting meetings in a manner consistent with law.

G. Staff, administrative and facility support for the Affordable Housing Advisory Committee shall be provided by the Board of County Commissioners.

H. The Affordable Housing Advisory Committee shall review the established policies and procedures, ordinances, land development regulations and adopted local comprehensive plan of the County and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

I. Recommendation may include the modification or repeal of existing policies, procedures, ordinances, regulations or plan provisions. At a minimum, the Affordable Housing Advisory Committee shall make recommendations on affordable housing incentives as enumerated in Section 420.9076(4)(a)(j), Florida Statutes.

J. The Affordable Housing Advisory Committee recommendation shall also include other affordable housing incentives identified by the Affordable Housing Advisory Committee.

K. To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the Board of County Commissioners must qualify the affordable housing cost reduction anticipated from implementing the specific recommendation.

L. Within nine (9) months from the adoption of this ordinance, the Affordable Housing Advisory Committee shall make recommendations approved by a majority of its membership at a public hearing. Notice of the time, date and place of the public hearing of the Affordable Housing Advisory Committee to adopt final affordable housing incentive recommendations shall be published in a newspaper of general paid circulation in the county. Such notice shall contain a short and concise summary of the affordable housing incentive recommendations to be considered by the Affordable Housing Advisory Committee. The notice shall also state the public place where a copy of the tentative Affordable Housing Advisory Committee recommendation can be obtained by interested persons.

SECTION VII

ADOPTION OF THE AFFORDABLE HOUSING INCENTIVE PLAN

A. Within ninety (90) days after the date of the receipt of the affordable housing incentive recommendations from the Affordable Housing Advisory Committee, the Board of County Commissioners shall consider the adoption, by ordinance, of the Affordable Housing Incentive Plan. The Plan shall consist of the adoption of specific initiatives to encourage or facilitate affordable housing and a schedule for implementation and must include, at a minimum:

1. A schedule for implementation of expedited permit processing for affordable housing projects; and
2. An on-going process for review of local policies, ordinances, regulations and comprehensive plan provisions that significantly impact the cost of housing.

B. Upon adoption of the Affordable Housing Incentive Plan the Board of County Commissioners shall so notify the Florida Housing Finance Agency by certified mail. The notice shall include a copy of the approved Affordable Housing Incentives Plan.

SECTION VIII

SEVERABILITY

In any phrase or portion of this Ordinance or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the

remaining section, subsection, sentences, clauses or phrases and their application shall not be affected thereby.

SECTION IX
EFFECTIVE DATE

This Ordinance shall take effect upon receipt of official acknowledgement by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State.

PRESENTED AND READ in full or by title to the Board of County Commissioners for Calhoun County, Florida, on the 16th day of DECEMBER, 1997. N/A.

PASSED by the Board of County Commissioners for Calhoun County, Florida, the 16 day of Dec, 1997.

CALHOUN COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Donnell Whitfield
DONNELL WHITFIELD, Chairman

ATTEST:

Willie D. Wise
WILLIE D. WISE, Clerk

CERTIFIED A TRUE COPY
Janice Holley
WILLIE D. WISE
CLERK CIRCUIT COURT
CALHOUN COUNTY, FLORIDA